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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,974	11/07/2001	Jorge D. Brioni	6753.US.02	4598
23492	7590	05/12/2004	EXAMINER	
STEVEN F. WEINSTOCK ABBOTT LABORATORIES 100 ABBOTT PARK ROAD DEPT. 377/AP6A ABBOTT PARK, IL 60064-6008			WANG, SHENGJUN	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,974

Applicant(s)

BRIONI ET AL.

Examiner

Shengjun Wang

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,11,12,14-23,25-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,11,12,14-23,25-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2004 has been entered.

2. Note the claims have been examined insofar as they read on elected invention (08/14/02).

Claim Rejections 35 U.S.C. 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8, 9, 11, 12, 14-23, 25-27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fliri et al. (WO 0099/09025) and Glass et al (IDS) in view of Fliri et al. (US 5,883,094), and Faraci et al. (US 5,889,010).

5. Fliri et al (WO 99/09025) teaches indole derivatives, including CP-266,269, as dopamine D4 agonist. See, particularly, page 1, page 4, and pages 13-14. Glass et al. teaches that N-[[4-(2-cyanophenyl)-1-piperazinyl]methyl]-3-methyl benzamide is a known selective D4 receptor agonist, see particularly, table 1, compound 6. Fliri et al. further teaches method of using dopamine D4 receptor selective compounds for treating various dopamine related disorders. See, particularly, page 4, line 30 to page 5, line 10.

Art Unit: 1617

6. The primary references do not teach expressly the employment of dopamine D4 agonist for treating sexual dysfunction.

7. However, Fliri et al. (US 5,883,094) and Faraci et al. teaches that it is known in the art that dopamine receptors are important for many functions in the animal body, such function including sexual behavior, and suggest that D4 dopamine receptor selective compounds may exert a wide range of therapeutical effect. See, particularly, column 1 in both references. Fliri et al. and Faraci et al. further teach that compounds having selective D4 dopaminergic activity are known to be useful for treating sexual dysfunction. See, particularly, column 3-5, 10-11 and the claims in Fliri et al. and column 6, line 62 to column 9, line 60, column 20, line 35 to column 22, line 55.

Therefore, it would have been prima facie obvious to a person of ordinary skill in the art, at the time the claimed the invention was made, to employ D4 receptor agonists, such as those disclosed by Fliri et al.(WO 99/09025) and Glass et al. for treating sexual dysfunctions

A person of ordinary skill in the art would have been motivated to employ D4 receptor agonists, such as those disclosed by Fliri et al.(WO 99/09025) and Glass et al. for treating sexual dysfunctions because dopamine receptors are generally known to be related to sexual behavior, and, compounds having selective D4 dopaminergic activity are particularly known to be useful for treating sexual dysfunction.

Response to the Arguments

Applicants' amendments and remarks submitted February 3, 2004 have been fully considered, but are moot in view of the new ground rejections.

Art Unit: 1617

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang, Ph.D. whose telephone number is (571)272-0632. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571)272-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

SHENGJUN WANG
PRIMARY EXAMINER



Shengjun Wang

May 8, 2004